

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE COMMISSIONER OF PATENTS AND TRADEMARKS

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

JAN 30 2006

FAXED

In re YUTAKA NAGAI et al.)
)
Application No. 09/290,251) Appeal No. 2006-0171
)
Filed: April 13, 1999)
)

ORDER GRANTING REQUEST TO RESET HEARING DATE

An oral hearing before a merits panel of the Board of Patent Appeals and Interferences has been set for February 7, 2006. The notice setting the hearing was mailed to Applicants on December 19, 2005. The date Applicants received the notice is not apparent from the record. Applicants had been previously asked to reschedule the time of the hearing from 9:00 am to 1:00 pm.

On January 24, 2006, a facsimile letter was received wherein Applicants requested that the oral hearing be further rescheduled. The request has been granted.

According to counsel:

. . . due to prior personal commitments, [counsel] is not able to accommodate such rescheduling [to 1:00 pm] and therefore, requests a different rescheduling of the hearing.

Appellants further pointed out that this appeal is related to Appeal 2004-1335 which was decided on February 9, 2005, and that the same panel should be assigned since there are similar issues and the same disclosure.

For the reasons given above, it is

Ordered that the request to reschedule the hearing to a date after February 7, 2006, is granted, and that a new date for the oral hearing will be sent to Applicants in due course.

No further request for postponement will be permitted. Any further request for postponement will be treated as a waiver of the Request for Oral Hearing.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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FAX DATE : January 30, 2006
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